

PATENT

C-3168/7/US (PC031163)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Conf. No.: 3792

S.S. THOSAR ET AL.

GROUP ART UNIT: 1615

Application No:10/817,577

EXAMINER: L. CHANNAVAJJALA

FILED: 02 APRIL 2004

DATE: 07 JUNE 2006

TITLE: MICRONIZED EPLERENONE COMPOSITIONS

RESPONSE

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action dated 17 March 2006, in the above referenced application.

**Rejections Under Judicially Created Doctrine of Obviousness-Type
Double Patenting**

The Office has rejected pending Claims 1-5, 7, 9, 11-17, 20-24, 26-37, 45-47, 57-61 and 73-78 under the judicially created doctrine of obviousness-type double patenting over:

- (a) Claims 1 to 58 of commonly owned U.S. Patent No. 6,534,093;
- (b) Claims 1 to 65 of commonly owned U.S. Patent No. 6,410,054;
- (c) Claims 1 to 60 of commonly owned U.S. Patent No. 6,863,902;
- (d) Claims 1 to 62 of commonly owned U.S. Patent No. 6,558,707;
- (e) Claims 1 to 21 of commonly owned U.S. Patent No. 6,495,165;
- (f) Claims 1 to 10 of commonly owned U.S. Patent No. 6,592,902.

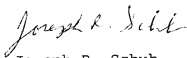
Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. §§ 1.321(c) and 3.73(b). This Terminal Disclaimer overcomes the Office's obviousness-type double patenting rejections. The filing of this Terminal Disclaimer, however, is not an admission of the propriety of the rejection (MPEP 804.02). The Terminal Disclaimer, therefore, is being filed merely to facilitate prosecution of the pending application.

* * *

Favorable consideration and early allowance of pending claims is requested. The Commissioner is hereby authorized to charge any fees that may be required during the entire pendency of this application, to Deposit Account No. 19-1025.

Any correspondence in respect to this Application should be sent to the address below and addressed to Joseph R. Schuh.

Respectfully submitted,



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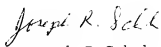
Title: Micronized Eplerenone Compositions

Terminal Disclaimer

G.D. Searle LLC, a subsidiary of Pharmacia Corporation, formerly doing business as G.D. Searle & Co., the owner of the entire interest in Application Serial No. 10/817,577 filed on April 2, 2004 (the present Application), hereby disclaims the terminal part of the statutory term of any patent granted on the present Application which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,410,054, U.S. Patent No. 6,495,165, U.S. Patent No. 6,534,093, U.S. Patent No. 6,558,707, U.S. Patent No. 6,592,902, or U.S. Patent No. 6,863,902 (the Reference Patents). The owner hereby agrees that any patent so granted on the present Application shall be enforceable only for and during such period as it and any of the Reference Patents are commonly owned. This agreement runs with any patent granted on the present Application and is binding upon the grantee, its successors or assigns.

The Commissioner is hereby authorized to charge any fees that may be required during the entire pendency of this application, to Deposit Account No. 19-1025. This Terminal Disclaimer is submitted, in accordance with 37 C.F.R. §1.321 (c), by an Agent of record in the present Application.

Respectfully submitted,



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Date: 6/7/06